

REMARKS

This is in response to the Office Action dated March 19, 2004. The Office Action rejected claims 1, 2, 5, 6, 8 and 9 under 35 U.S.C. §102(e) as being anticipated by US Patent No. 6,654,359 B1 issued on November 25, 2003 to La Porta et. al ("La Porta"). The Office Action also rejects claims 3, 7, 10, 12-14 and 16-18 under 35 U.S.C. §103(a) as being unpatentable over La Porta in view of U.S. Patent No. 6,230,012 issued May 8, 2001 to Willkie et. al. ("Willkie"). The Office Action also rejects claims 4, 11, 15 and 19 under 35 U.S.C. §103(a) as being unpatentable over La Porta in view Willkie, further in view of U.S. Patent No. 5,903,735 issued May 11, 1999 to Kidder et. al. ("Kidder"). Claims 1-19 remain under consideration.

For the exact same reasons set forth previously and in the appeal brief, applicants respectfully traverse both the rejection under 35 U.S.C. §102(e) and the rejection under 35 U.S.C. §103(a).

As discussed more fully in the application, the present invention relates to maintaining Quality of Service (QoS) standards when Internet Protocol (IP) messages are transmitted in a mobile network conforming to mobile Internet Protocol (mobile IP) standards. In particular, in a first illustrative embodiment of the present invention, these problems are solved by modifying the addresses in an IP packet instead of encapsulating the entire packet, as was done in the prior art. Thus, the problems associated with the first scenario above are avoided because the flow information is still present at a desired location within the packet and, accordingly, is available for use by a QoS-enabled router/switch. In addition, in a second illustrative embodiment of the invention, proxy servers are used at both the correspondent and the foreign network to ensure that address translation occurs to allow the QoS criteria/addresses to mirror each other. In this way, Resource Reservation Protocol (RSVP) information is available to routers/servers along the transmission path and, accordingly, QoS standards are maintained in a mobile IP network, regardless whether the mobile node is at its home address or a care-of address in a foreign network.

35 U.S.C. §102(e) Rejection

The Office Action first rejects claims 1, 2, 5, 6, 8 and 9 of the present application under 35 U.S.C. §102(e) as being anticipated La Porta. Applicants once again traverse.

5 In order for a claim to be anticipated by a reference under 35 U.S.C. §102, all elements of the claim must be taught or disclosed by that reference. La Porta discloses the prior method of encapsulating a packet in an IP network in order to forward the packet from a node in the network to a mobile device. Regarding claim 1, the Office first refers to column 5, lines 43-52 of La Porta as disclosing
10 the present claim element of “generating, in the foreign network, a modified reply message having a source address of the mobile node’s care-of address and a destination address of the correspondent node . . .” La Porta does not teach this at the cited portion of the reference or anywhere in that reference. In fact, the cited portion of the reference only teaches receiving a message destined for a
15 mobile device and then encapsulating that message for forwarding to the care-of address of that device. However, claim 1 teaches “generating, in the foreign network, a modified reply message.” As should be crystal clear at this point, the foreign network is the network where the mobile device is located with a care-of address. Thus, La Porta does not teach this necessary limitation of claim 1.
20 Additionally, as was the case with the previously cited prior art in prior actions and the appeal brief, even if La Porta *did* teach generating a reply message in the foreign network, the presently cited passage does not disclose the element of claim 1 of generating a modified reply message. Specifically, La Porta in the cited passage and throughout the reference, does not modify an original
25 message. That reference explicitly only discloses encapsulating the IP packet in an outer envelope containing routing information necessary to route the message from a home address to a mobile address. When the packet reaches the mobile address, La Porta then teaches stripping the outer envelope away, to permit the original packet to be forwarded to the mobile device.

30 As discussed above, this is clearly in the prior art as contemplated by the present application and is not the invention claimed in claim 1. The cited

passage of La Porta fails to anticipate the respective elements of claim 1. As such, claim 1 is allowable over La Porta. Accordingly claims 2 – 11 are allowable as being dependent upon an allowable base claim.

5 **35 U.S.C. §103(a) Rejection**

The Office Action also rejects claims 3, 7, 10, 12-14 and 16-18 under 35 U.S.C. §103(a) as being unpatentable over La Porta in view of Willkie. Applicants traverse.

10 In order for an invention to be obvious under 35 U.S.C. §103(a), there must be some suggestion to combine or modify cited prior art references in a manner that would show or suggest the claimed invention. For the reasons discussed below, the Office Action fails to show that the invention as claimed is obvious in view of La Porta in view of Willkie.

15 **Claims 12 and 16:**

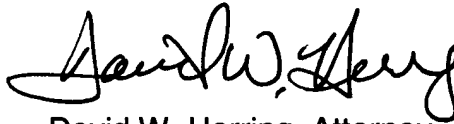
Regarding the rejection to independent claims 12 and 16, the Office states that La Porta teaches “generating a modified reply message having a source address of the mobile node’s care-of address and a destination address of the correspondent node.” For the foregoing reasons, La Porta does not teach this
20 element. The Office further relies on Willkie to teach the element “a proxy device in the foreign network, the proxy device associated with the mobile node.” However, at no place within Willkie does that reference teach “generating a modified reply message having a source address of the mobile node’s care-of address and a destination address of the correspondent node.” Therefore, this
25 element is not taught by either La Porta or Willkie, nor is there any suggestion to modify either reference in a way that would teach this element. Therefore, claims 12 and 16 are not obvious over La Porta in view of Willkie and claims 12 and 16 are, as a result, allowable. It follows that claims 13-15 and 17-19 are also allowable as being dependent upon an allowable base claim.

30 Thus, in summary and as discussed above, independent claims 1, 12 and 16 are allowable for reasons nearly identical to those set forth in prior replies. As

a result, claims 2-11, 13-15 and 17-19 are allowable as being dependent upon an allowable base claim. Accordingly, allowance of all claims remaining under consideration is respectfully requested.

The Examiner has apparently recognized that the arguments in Applicants
5 appeal brief had merit over the previously cited art and, hence, has reinstated prosecution. However, the Examiner has presented new art and arguments that, as relates to the present application, merely teaches the same or very similar methods as the previously cited art. Applicants' traversal presented herein closely follows the arguments presented in previous responses. Therefore, if the
10 Examiner in the present case insists on disagreeing with the above arguments, applicants hereby request that the Examiner reinstate the appeal on his own initiative or, alternatively, issue a Final Rejection so this matter can be pursued upon appeal.

15 Respectfully,



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